

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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US BANK, NATIONAL ASSOCIATION,

Case No. 13-civ 7626 (NRB)

Plaintiff,

-against-

COMMONWEALTH LAND TITLE INSURANCE
COMPANY,

**NOTICE OF MOTION TO
DISMISS THE THIRD PARTY
COMPLAINT**

Defendant.

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COMMONWEALTH LAND TITLE INSURANCE
COMPANY,

Hon. Naomi Reice Buchwald

Third-Party Plaintiff,

-against-

ANM FUNDING LLC, ABE KLEIN, NOAH
HERSHKOVITZ, LEAH HERSHKOVITZ, TSVINY
HERSKKOVITZ, LOWENTHAL & KOFMAN, P.C.,
MARTIN KOFMAN, NORMAN TEPFER, SAMUEL
GLUCKMAN and ROLAND FIELDS,

Third-Party Defendants.

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PLEASE TAKE NOTICE that upon the annexed Declaration of Thomas A. Leghorn dated December 15, 2014, the pleadings and exhibits annexed thereto and the accompanying memorandum of law, third-party defendants Lowenthal & Kofman, P.C., Martin Kofman, and Norman Tepfer will move this court on **February 6, 2015**, as agreed by counsel, or as soon thereafter as counsel can be heard, before the Hon. Naomi Reice Buchwald at the Courthouse located at 500 Pearl St., Room 21A, New York, New York for an Order dismissing third-party plaintiff's claims against third-party defendants Lowenthal & Kofman, P.C., Martin Kofman, and

Norman Tepfer, in their entirety, pursuant Fed. R. Civ. P. 12(b)(6); and granting such other, further and different relief as this Court deems just and proper.

Dated: New York, New York
December 22, 2014

Yours etc.,

WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER LLP

By:

S&S/T
Anastasios P. Tonorezos (AT-8709)

Jeffrey J. Cunningham (JC-0726)

Attorneys for Defendants

~~LOWENTHAL & KOFMAN, P.C., MARTIN~~

~~KOFMAN, and NORMAN TEPFER~~

150 East 42nd Street

New York, New York 10017-5639

Tel. No.: (212) 490-3000

Fax No.: (212) 490-3038

ernest.tonorezos@wilsonelser.com

jeffrey.cunningham@wilsonelser.com

File No. 10369.00054

To:

Mr. Evan Michailidis
DUANE MORRIS
Attorneys for Plaintiff
1540 Broadway
New York, NY 10036
emichailidis@duannemorris.com

Robert Jason Shainess
Capstone Law
Attorneys for Plaintiff
120 South Sixth Street
Minneapolis, MN 55402
(612)-548-1604
(952)-314-9616 (fax)
rob@capstonelawmn.com

David Kent Fiveson
Butler, Fitzgerald & Potter
Attorneys for Defendant/Third-Party Plaintiff
350 Fifth Avenue, Suite 6215
New York, NY 10118
(212)-615-2200
(212)-615-2215 (fax)
dfiveson@bffmlaw.com

Avinoam Y. Rosenfeld
THE ROSENFELD LAW OFFICE
Attorneys for Third-Party Defendants Tsviny Herskovitz, Noah Herskovitz, Leah Herskovitz, and Samuel Gluckman
156 Harborview South
Lawrence, New York 11559
Tel: (516) 547-1717
Fax: (516) 232-9092

ANM Funding, LLC
Third-Party Defendant, pro se
1677 42nd Street
Brooklyn, New York 11204

Abe Klein
Third-Party Defendant, pro se
1677 42nd Street
Brooklyn, NY 11204

Roland Fields
Third-Party Defendant, pro se
1430 Pinson St.
Far Rockaway, NY 11691